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January 25, 2008

**Via Federal Express**

The Honorable Kenneth M. Karas  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas St., Room 533  
White Plains, NY 10601-4150

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DOCUMENT
ELECTRONICALLY FILED
DOC # _____
DATE FILED: _____

**Re: Burgos v North Fork Bancorporation, Inc., et al.**  
**Case # 07 Civ. 10517 (KMK)**

Dear Judge Karas:

We represent Capital One Financial Corporation, a successor in interest to North Fork Bancorporation, Inc., in the above-referenced matter and write with the consent of Plaintiff. The parties are in receipt of Document 5 from the Docket which indicates that there is a Rule 16(b) conference scheduled for Friday, February 8, 2008 at 3:00 p.m. The parties also received Document 6 from the Docket which states that the "above-referenced case has been reassigned to [your] docket. All existing deadlines and schedules remain in effect, unless otherwise noted by the Court." Document 6 also requires the parties to submit a joint letter to Chambers no less than three (3) business days before the next conference addressing the eight items set forth in Document 6. Copies of Documents 5 and 6 are attached for your reference.

The present matter was removed from state court and has been assigned to your docket since removal. To date, no deadlines have been set by the Court nor have the parties had their Rule 16(b) conference with your Honor. Therefore, the parties seek clarification whether they are required to address the items discussed in Document 6 or whether they are only submitting a proposed case management schedule. The parties also ask the Court to clarify when their proposed case management plan is to be filed.

Respectfully submitted,



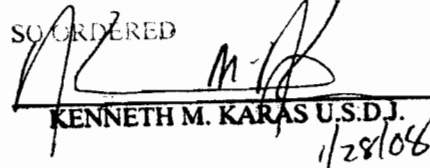
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PAG/ec  
Enclosures

cc: Richard B. Wolf, Esq.

*The parties are to answer Doc. #6 and show up at the conference to discuss a case management plan.*

SOURCED



KENNETH M. KARAS U.S.D.J.

1/28/08